

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 281

SENATE BILL 1364

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 20;
RELATING TO RESTOCKING FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is amended
3 by adding article 20, to read:

4 ARTICLE 20. RESTOCKING FEES

5 44-1376. Disclosure of restocking fee; enforcement; definition

6 A. A BUSINESS IN THIS STATE THAT CHARGES A RESTOCKING FEE ON A PRODUCT
7 THE BUSINESS SELLS SHALL DISCLOSE THE EXISTENCE OF THE FEE AND THE AMOUNT OF
8 THE FEE TO A CUSTOMER IN ACCORDANCE WITH THIS SECTION.

9 B. IF A BUSINESS CHARGES A RESTOCKING FEE, THE BUSINESS SHALL DO ALL
10 OF THE FOLLOWING:

11 1. DISCLOSE IN ANY PRINT ADVERTISING AND PROMOTIONAL MATERIAL,
12 INCLUDING A CATALOG, THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASE OF
13 GOODS. THE DISCLOSURE SHALL BE PRINTED IN A CLEAR AND CONSPICUOUS MANNER IN
14 THE ADVERTISING AND PROMOTIONAL MATERIAL.

15 2. POST A NOTICE DISCLOSING THAT A RESTOCKING FEE MAY APPLY TO THE
16 PURCHASE OF GOODS AND WHERE THE CUSTOMER MAY OBTAIN THE FULL RESTOCKING FEE
17 POLICY. THE NOTICE SHALL BE CLEARLY AND CONSPICUOUSLY VISIBLE TO THE
18 CUSTOMER BEFORE PURCHASE.

19 3. DISCLOSE ON THE SALES RECEIPT IN A CONSPICUOUS MANNER IN TYPE AT
20 LEAST AS LARGE AS THE MAJORITY OF THE PRINTED TEXT ON THE RECEIPT AND IN
21 PRINT THAT IS CLEAR AND LEGIBLE, BOTH OF THE FOLLOWING:

22 (a) THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASED GOOD.

23 (b) WHERE THE CUSTOMER MAY OBTAIN THE FULL RESTOCKING FEE POLICY.

24 4. AT THE POINT OF PURCHASE FOR A GOOD ON THE WEB SITE OF THE
25 BUSINESS, DISCLOSE THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASE OF GOODS.
26 THE BUSINESS MUST PROVIDE THE FULL RESTOCKING FEE POLICY ON THE WEB SITE.
27 THE DISCLOSURE PRESCRIBED BY THIS PARAGRAPH SHALL BE PRINTED IN A CLEAR AND
28 CONSPICUOUS MANNER ON THE WEB SITE.

29 C. AN ACT OR PRACTICE IN VIOLATION OF THIS SECTION IS AN UNLAWFUL
30 PRACTICE UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND
31 TAKE APPROPRIATE ACTION AS PRESCRIBED BY CHAPTER 10, ARTICLE 7 OF THIS TITLE.

32 D. FOR THE PURPOSES OF THIS SECTION, "RESTOCKING FEE" MEANS A FEE
33 CHARGED BY A BUSINESS FOR RESTOCKING OF THE GOOD PURCHASED ON ITS RETURN OR
34 EXCHANGE.

35 Sec. 2. Effective date

36 Section 44-1376, Arizona Revised Statutes, as added by this act, is
37 effective from and after October 31, 2006.

APPROVED BY THE GOVERNOR MAY 16, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2006.